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JAN 30 2006

FRED L. BORCH III, CLERK
US DISTRICT COURT, EDNC
BY _____ DEP CLK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE: PROCEDURAL RULES FOR)
ELECTRONIC CASE FILING) STANDING ORDER
)

Federal Rules of Civil Procedure 5 and 83 and Federal Rules of Criminal Procedure 49 and 57 authorize courts to establish practices and procedures for filing, signing and verifying documents by electronic means. The court establishes the case management/electronic case filing system ("CM/ECF") as the docketing and case management system for the Eastern District of North Carolina.

CM/ECF is designed to capitalize on the use of automated technology in the administration of justice by promoting cost savings, more efficient maintenance of court records and improved public access to case file information. As delineated in Local Civil Rules 5.2 and 5.3, EDNC, and Local Criminal Rules 49.2 and 49.3, EDNC, ECF permits electronic case filing, signing and verification of pleadings and other papers with the Clerk of Court through the court's public web site, allows parties to use the court's transmission facilities to make service when appropriate, and authorizes the Clerk of Court to serve notice of orders and judgments electronically.

IT IS THEREFORE ORDERED:

1. Any document electronically filed or converted by the clerk's office to electronic format on or after October 1, 2005 shall be the official record of the court.
2. The Clerk of Court is authorized to implement and publish the *User's Manual* and

the *Electronic Case Filing Administrative Policies and Procedures Manual* in the Eastern District of North Carolina, including the procedure for registration of attorneys and for the distribution of passwords to permit electronic filing and noticing of pleadings and other documents. This standing order is considered to be consistent with the Federal Rules of Civil and Criminal Procedures, the Eastern District of North Carolina Local Rules, and all applicable federal statutes. Any conflicts between the administrative procedures published by the Clerk of Court and any rules or statutes are to be brought to the court's attention immediately.

3. As a general rule, civil and criminal cases, including social security cases, are assigned to the electronic filing system. The court may further designate which cases will be assigned to the electronic filing system and what exceptions to the system will be made.
4. All documents required to be filed with the court in a case assigned to the electronic filing system shall be electronically filed, except where expressly provided or in exceptional circumstances preventing electronic filing. Documents filed conventionally with the court may be converted into an electronic format by the court and in such cases, such documents will be treated for all purposes as if they had been electronically filed, except that conversion of a conventionally filed document to electronic format by the court will not affect the original filing date of that document.

5. Due to the complexity of a case, or the size of an electronically filed document, the court may instruct the parties to submit a paper copy of any document electronically filed. Each judge may have additional filing requirements or preferences which shall be posted on the court's website, www.nced.uscourts.gov. It is the responsibility of the electronic filer to ensure compliance with the assigned judge's preferences.
6. Only a registered user or an authorized employee of the registered user may file documents electronically. A registered user must satisfy the registration requirements established by the court and participate in training as required by the court unless the clerk is satisfied that training is not necessary.
7. The electronic filing of complaints, petitions, pleadings, motions or other documents by an attorney who is a registered user in the electronic case filing system shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11 and Local Criminal Rule 47.3, EDNC.
8. No attorney shall knowingly permit or cause to permit the attorney's password to be used by anyone other than an authorized employee of the attorney's law firm.
9. No person shall knowingly use or cause another person to use the password of a registered attorney unless such person is an authorized employee of the law firm.
10. The electronic filing of pleadings or other documents in accordance with the *Electronic Case Filing Administrative Policies and Procedures Manual* shall constitute entry of that pleading or other document on the docket kept by the clerk

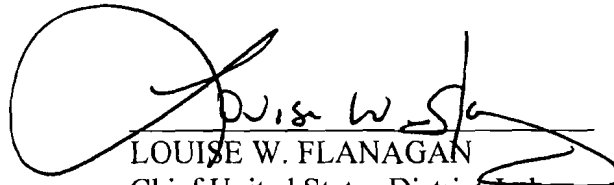
under Federal Rule of Civil Procedure 79 and Federal Rule of Criminal Procedure

55. Except in the case of documents first filed in paper, a document filed electronically is deemed filed at the date and time stated on the “Notice of Electronic Filing” that is automatically generated from CM/ECF.

11. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with the *Electronic Case Filing Administrative Policies and Procedures Manual*, which shall constitute entry of that pleading or other document on the docket kept by the clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rule of Criminal Procedure 55. All signed orders will be filed electronically by the court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.
12. The “Notice of Electronic Filing” that is automatically generated by CM/ECF except as provided below, constitutes service of the filed document on registered users. Parties who are not registered users must be served with a copy of any pleading or document filed electronically in accordance with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and the Local Rules of the Eastern District of North Carolina.

13. Participation in the electronic case filing system by receipt of a password from the court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49(b). Registered users in the electronic case filing system, by receiving a password from the court, agree to receive service by electronic means.
14. Effective June 1, 2006, attorneys shall file all documents electronically, except where expressly provided in the *Users Manual* and the *Electronic Case Filing Administrative Policies and Procedures Manual*. Parties without legal representation (*pro se*) shall not file documents electronically, but must adhere to the filing requirements of Local Civil Rule 10.1, EDNC.
15. The effective date of this Standing Order is October 1, 2005.

SO ORDERED, this 26th day of January, 2006


LOUISE W. FLANAGAN
Chief United States District Judge